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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,857	12/08/2003	Andrew John Cardno	83336.1710	1227
66880 7590 12/12/2008 STEPTOE & JOHNSON, LLP 2121 AVENUE OF THE STARS SUITE 2800 LOS ANGELES, CA 90067				
EXAMINER				
NUNEZ, JORDANY				
ART UNIT		PAPER NUMBER		
2175				
NOTIFICATION DATE		DELIVERY MODE		
12/12/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kstowe@steptoe.com  
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**Office Action Summary****Application No.**

10/728,857

**Applicant(s)**

CARDNO, ANDREW JOHN

**Examiner**

Jordany Núñez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_
- 7) ☐ Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. Claims 1-14 meet the 101 requirements, since the specification describes mass storage memory, giving example of "hard disk, floppy disk or optical disc."

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wong (6343275).

Re claim 1, Wong discloses a data analysis system embodied on a computer readable storage medium comprising:

an interaction database maintained in computer memory, the interaction database comprising interaction data representing interactions between customers and merchants (see column 4 lines 27-35 for example);

a spatial display component configured to display a graphical spatial representation of at least part of the physical layout of commercial premises of a merchant (see figures 4 and 5 for example, also note that the prior discloses web front-end or web enabled company with employees, see abstract and column 4 lines 33-35 for example);

a retrieval component configured to retrieve from the interaction database a plurality of data values representing interactions between customers and merchants (see column 4 lines 27-35 for example);

a contour generator configured to generate and superimpose a representation of the data values on the spatial representation (see figure 113 for example); a user selection component configured to enable a user to select part of the spatial representation (see column 39 lines 10-16 for example); and a data display component configured to superimpose a representation of interactions between customers and merchants associated with the part of the spatial representation selected by the user (see figure 94 for example);

Re claim 2, Wong discloses a data analysis system wherein the merchant provides a plurality of products to customers, the spatial representation comprising representations of one or more of the products corresponding to the spatial position of the products within the physical commercial premises of the merchant (see figure 113 for example).

Re claim 3, Wong discloses a data analysis system wherein the user selection component is configured to enable a user to select a product in the spatial representation (see column 39 lines 10-16 for example).

Re claim 4, Wong discloses a data analysis system wherein the representation generated by the data display component is associated with the product selected by the user (see figure 113 and column 39 lines 5-10 for example).

Re claim 5, Wong discloses a data analysis system wherein the representation displays interactions between customers and merchants involving the product selected by the user (see column 39 lines 10-16 for example).

Re claim 6, Wong discloses a data analysis system wherein the contour generator is configured to generate and display a contoured representation of one or more of the data values centered on respective data points such that one or more of the data points is displayed as a local maximum (see figure 113 for example).

Re claim 7, Wong discloses a data analysis system wherein the contour generator is configured to generate and display data points corresponding to the data values on one or more contour lines around one or more of the data points, each contour line representing data values which are less than the data value of the data point around which the contour line is displayed (see figure 113 for example).

Re claim 8, Wong discloses a method of data analysis embodied on a computer readable storage medium comprising:

maintaining in computer memory an interaction database, the interaction database comprising interaction data representing interactions between customers and merchants (see column 4 lines 27-35 for example);

displaying a graphical spatial representation of at least part of the physical layout of commercial premises of a merchant (see figure 113 for example);

retrieving from the interaction database a plurality of data values representing interactions between customers and merchants (see column 39 lines 10-16 for example);

generating and superimposing a representation of the data values on the spatial representation (see figure 94 for example); and

superimposing a representation of interactions between customers and merchants associated with part of the spatial representation selected by a user (see column 3 lines 10-16 and figure 94 for example).

. Re claim 9, Wong discloses a method in which the merchant provides a plurality of products to customers, the method further comprising the step of displaying representations of one or more of the products corresponding to the spatial position of the products within the physical commercial premises of the merchant (see figure 113 for example).

Re claim 10, Wong discloses a method further comprising the step of providing a user selection component to enable a user to select a product in the spatial representation (see column 39 lines 10-16 for example).

Re claim 11, Wong discloses a method further comprising the step of generating and displaying a representation associated with the product selected by the user (see figure 113 and column 39 lines 5-10 for example).

Re claim 12, Wong discloses a method further comprising the step of displaying a representation of interactions between customers and merchants involving the product selected by the user (see column 39 lines 10-16 for example).

Re claim 13, Wong discloses a method further comprising the step of generating and displaying a contoured representation of one or more of the data values centered

on respective data points, such that one or more of the data points is displayed as a local maximum (see figure 113 for example).

Re claim 14, Wong discloses a method further comprising the step of generating and displaying data points corresponding to the data values and one or more contour lines around one or more of the data points, each contour line representing data values which are less than the data value of the data point around which the contour line is displayed (see figure 113 for example).

### ***Response to Arguments***

Applicant's arguments have been fully considered but are not persuasive. Examiner reiterates that references to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention. Applicant argues that:

1) As recited in claim 7, and as described on page 8 of the current application and shown in FIG. 2, the contour generator displays a data point, and around that data point are contour lines representing a data value less than the data point in the middle of the contour lines. Otherwise stated, the data point is a maximum value surrounded by contour lines that represent data values that are less than the data point in the middle of the contour lines. This limitation of claim 7 is not disclosed in FIG. 113 as stated by the Examiner. FIG. 113 of Wong is a report graph screen with data values charted over time. The data points in this graph are shown with a square or circle indicating whether the data value represents "cash in bank #1" or "trade accounts payable," respectively. In FIG. 113, there are no contour lines or any other types of lines that are disposed around

the data points that ,represent another data value that is less than the data point. Review of the Wong reference did not produce any disclosure of generating and displaying contour lines representing a data value less than the data value of the data point surrounded by the contour lines as recited in claim 7. Therefore, for this additional reason, Applicant respectfully submits that the 35 U.S.C. § 102(b) rejection of claim 7 has been overcome (page 7, last paragraph).

Examiner disagrees.

Applicant claims or specification does not define the phrase "data point is a maximum value" so any reasonable interpretation by one of ordinary skill in the art would be sufficient to teach said phrase. FIG. 113 of Wong shows a data point being a maximum value, for example 15000, and the lines representing "cash in bank #1" or "trade accounts payable" "representing a data value less than the data point." Thus, Wong clearly discloses generating and displaying a contour line representing data values which are less than the data value of the data point around which the contour line is displayed of claim 7.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordany Núñez whose telephone number is (571)272-2753. The examiner can normally be reached on Monday Through Thursday 9am-7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JN  
12/4/2008

/WILLIAM L. BASHORE/  
Supervisory Patent Examiner, Art Unit 2175